

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)		
		09/842,771		TAKEMOTO, FUMITO		
Office Action Summary		Examiner		Art Unit		
		James N	A. Hannett	2622		
Period fo	The MAILING DATE of this commun	nication appears on t	he cover sheet wi	th the correspondence a	iddress	
WHI - Exte after - If N - Failu	ORTENED STATUTORY PERIOD F CHEVER IS LONGER, FROM THE M nsions of time may be available under the provision SIX (6) MONTHS from the mailing date of this com o period for reply is specified above, the maximum s ire to reply within the set or extended period for repl reply received by the Office later than three months	MAILING DATE OF T s of 37 CFR 1.136(a). In no e munication. tatutory period will apply and y will, by statute, cause the ap	THIS COMMUNIC event, however, may a r will expire SIX (6) MON pplication to become AB	CATION. eply be timely filed THS from the mailing date of this ANDONED (35 U.S.C. § 133).		
<sub>earn</sub> Status	ed patent term adjustment. See 37 CFR 1.704(b).					
1)[\]	Responsive to communication(s) fil	ed on 13 July 2006				
•	2a) This action is <b>FINAL</b> . 2b) This action is non-final.					
/	Since this application is in condition	/—		ers, prosecution as to th	ne merits is	
-/	closed in accordance with the pract			•		
Disposit	ion of Claims					
4)🛛	Claim(s) <u>1-18</u> is/are pending in the	application.				
/—	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)⊠	Claim(s) <u>5,6,11,12,17 and 18</u> is/are					
6)⊠	Claim(s) 1,2,7,8,13 and 14 is/are re	jected.				
7)🖂	Claim(s) <u>3,4,9,10,15 and 16</u> is/are o	objected to.				
8)	Claim(s) are subject to restri	ction and/or election	requirement.			
Applicat	ion Papers					
9)	The specification is objected to by the	ne Examiner.				
10)🖂	The drawing(s) filed on 27 April 200	<u>1</u> is/are: a)⊠ accep	ted or b) 🗌 objec	ted to by the Examiner	•	
	Applicant may not request that any obje	ection to the drawing(s)	be held in abeyan	ce. See 37 CFR 1.85(a).		
	Replacement drawing sheet(s) includin	g the correction is requ	ired if the drawing	s) is objected to. See 37 (	CFR 1.121(d)	
11)	The oath or declaration is objected t	to by the Examiner. N	Note the attached	Office Action or form F	PTO-152.	
Priority	under 35 U.S.C. § 119					
12)🛛	Acknowledgment is made of a claim	for foreign priority u	nder 35 U.S.C. §	119(a)-(d) or (f).		
	All b) Some * c) None of:					
	1. Certified copies of the priority	v documents have be	en received.			
	<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage</li> </ul>					
	application from the Internation	•				
* (	See the attached detailed Office action	on for a list of the ce	rtified copies not	received.		
Attachmer	it(s)					
	ce of References Cited (PTO-892)			ummary (PTO-413)		
	ce of Draftsperson's Patent Drawing Review ( mation Disclosure Statement(s) (PTO/SB/08)			s)/Mail Date Informal Patent Application		
	er No(s)/Mail Date		6) 🔲 Other:			
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# **DETAILED ACTION**

#### **Response to Arguments**

Applicant's arguments, see amendment, filed 7/13/2006, with respect to the rejection(s) of claim(s) 1-4, 7-10 and 13-16 under 112 1st have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Spaulding et al. Due to the new grounds of rejection this action is made **NON-FINAL**.

#### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN
 5,805,213 Spaulding et al.

2: As for Claims 1, 7 and 13, Spaulding et al teaches on Column 9, Lines 5-11 and depicts in figure 7 an image processing method and apparatus for obtaining image data by carrying out tone conversion processing and color correction processing on image data obtained by a digital camera, the image processing method comprising the steps of generating a 3D-LUT for carrying out tone conversion processing and color correction processing simultaneously on the image data and obtaining the processed image data according to the 3D-LUT. Spaulding et al teaches on Column 9, Lines 5-11 that the color correction transformation can include aspects of tone-scale correction, as well as color-correction. And states that a 3D-LUT can have values that represent

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the combined (simultaneous) operations for converting from the sensor color values to the primary color values and applying a desired tone scale function.

Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN
5,805,213 Spaulding et al in view of 5,489,996 Oku et al.

4: In regards to Claim 2, Spaulding et al teaches the use of an image processing apparatus that uses a look-up table to correct tone and color in digital images. However, Spaulding et al does not teach the step of generating the three-dimensional look-up table for a model of a digital camera.

Oku et al teaches on Column 1, lines 17-20 and on Column 2, lines 37-63 the use of an image processing apparatus that uses three-dimensional look-up tables to correct tone and color in digital images. Oku et al further teaches that it is advantageous to perform the color correction in consideration of the color reproduction characteristics of the image recording apparatus in order to record an image with good color reproduction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the color correction and tone correction process of Spaulding et al in consideration of the color reproduction characteristics of the image recording apparatus as taught by Oku et al in order to record an image with good color reproduction.

5: In regards to Claim 8, Claim 8 is rejected for reasons discussed related to Claim 2, since Claim 2 is substantively equivalent to Claim 8.

6: In regards to Claim 14, Claim 14 is rejected for reasons discussed related to Claim 2, since Claim 2 is substantively equivalent to Claim 14.

### Allowable Subject Matter

3: Claims 5, 6, 11, 12, 17 and 18 are allowed.

4: Claims 3, 4, 9, 10, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach the step of comparing the total number of pixels in an image with the total number of lattice points in the 3D-LUT and performing the tone and color correction process according to the comparison. Furthermore, the prior art does not teach setting the number of lattice points in the 3D-LUT according to the number of bits of the image data.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett Examiner Art Unit 2622

JMH September 26, 2006

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Page 5